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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/286,739 | 04/06/1999 | HUGH E. MCLOONE | M61.12-0124 | 5377 |

7590 05/08/2002

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| EXAMINER |
|---|
| ZAMANI, ALI A |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2674 | |

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 09/286,739 | Mcloone et al. |
| **Examiner** | **Art Unit** |
| Ali Zamani | 2674 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *Feb 15, 2002*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1, 3, 5-12, 14, 16-18, and 25-31* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3, 5-12, 14, 16-18, and 25-31* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 19

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 5-12, 14, 16-18, [redacted] and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenz, Sr. (US Pat. No. 5,841,425) in view of Siddiqui et al. (US Pat. No. 6,097,371) and further in view of Edwards et al. (US Pat. No. 6,362,811).

3. In regard to claims 1, 3, 5-12, 14, 16-18, [redacted] and 25-31, Siddiqui et al. disclose a mouse input device for a computer system, the mouse capable of being moved across a working surface to move a displayed object on a computer display, the mouse comprising: an upper casing (142), a bottom surface (59) designated to face the working surface (103), a thumb pinching area (138) on a side of the mouse and at least two side buttons (36 and 40) located above the thumb pinching area (64) in a direction away from the bottom surface and buttons are shaped to substantially conform to a space between a user's thumb and a user's index finger, the two side buttons together form a shaped buttons assembly that substantially conforms to the shape of a gap between the user's thumb and index finger (see Figs. 3C, 3D, 4A, 4B, 4D and 4E). Zenz, Sr. teaches that a typical mouse configured for a right-handed person has two selection actuators, a

left selection actuator and a right selection actuator, and sends a primary function, signal to the computer when the left selection actuator is activated and, when the right selection actuator is activated, the mouse sends a secondary function signal to computer (Fig. 1, col. 4, lines 2-33). Zenz, Sr. also teaches that the pinching area (62 and 64) are not limited to a particular side of the mouse or to a particular digit of a hand and the mouse is ergonomically shaped such that the user's hand naturally and comfortably holds the mouse when the user's hand is located in the appropriate thumb location (see Figs 3a-d, col. 5, lines 39-60). Zenz, Sr. substantially teach the above claimed limitations except for teaching a " wheel and a primary button positioned so as to be capable of being actuated by a user's index finger when the user's thumb is located on the thumb gripping position". However, siddiqui et al. disclose an ergonomic mouse, includes a wheel (106) to provide an input signal in addition to X and Y position signals, the wheel (18) extends from an upper surface of the pointing device and may be rotated and depressed by the finger of the user (see the abstract). Thus it would have been obvious to one of ordinary skill in the art to utilize the wheel (18) of Siddiqui et al. in the mouse system of Zenz, Sr. to provide a mouse which has sufficient width to support the distal phalanges of a user's ring finger and little finger while the user's middle finger is positioned over a secondary buttons of the mouse, in addition, the mouse provides a wheel with a large number of ribs that increase friction between the user's finger and the wheel. The combination of Zenz, Sr. and Siddiqui et al. fail to teach the above limitations. However, Edward et al. disclose an improved pointing device with ergonomic features is provided and the pointing device allows an operator's hand to remain in a relaxed

position in as near a state of repose as possible while operating the pointing device (see Figs 1-2, col. 8, lines 19-56). Edwards et al. teach that the improved ergonomic mouse incorporates several unique features that aid in reducing the stress of the fingers and wris and relocating switches (see the abstract). Thus, it would have been obvious to one of ordinary skill in the art to utilize the noted teaching of Edward et al. in the combination mouse of Zenz-Siddiqui to provide an improved ergonomic mouse include providing better, less stressful, finger placement.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Long is made of record to show a type of mouse with wheel.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerepe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washingto, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ali Zamani

May 6, 2002

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600